

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 18-0336.01 Kip Kolkmeier x4510

**SENATE BILL 18-033**

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**SENATE SPONSORSHIP**

**Sonnenberg,**

**HOUSE SPONSORSHIP**

**Arndt and Becker J.,**

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**Senate Committees**

Agriculture, Natural Resources, & Energy  
Finance  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CONTINUATION OF THE ANIMAL FEEDING**  
102 **OPERATION PERMIT PROGRAM UNDER THE DEPARTMENT OF**  
103 **PUBLIC HEALTH AND ENVIRONMENT, AND, IN CONNECTION**  
104 **THEREWITH, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill replaces the July 1, 2018, repeal date for the department of public health and environment's animal feeding operation permit program with a repeal date of July 1, 2025. The bill also extends the fees

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

associated with the program at their current levels.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-8-502, **amend**  
3 (1.1)(a) as follows:

4 **25-8-502. Application - definitions - fees - funds created -**  
5 **public participation - repeal.** (1.1) For each regulated activity listed in  
6 this subsection (1.1), the division may assess an annual permit fee and a  
7 nonrefundable permit application fee for new permits that must equal fifty  
8 percent of the annual permit fee. The full amount of the application fee  
9 is credited toward the annual permit fee. All such fees must be in  
10 accordance with the following schedules:

11 (a) The animal agriculture sector includes annual fee schedules for  
12 regulated activities associated with animal feeding operations as follows:

13 (I) General permit: The division shall assess a CAFO an annual  
14 permit fee not to exceed two hundred fifty dollars plus four cents per  
15 animal unit, based on the CAFO's permitted capacity; except that, from  
16 July 1, 2009, through June 30, ~~2018~~ 2025, the division shall assess a  
17 CAFO an annual permit fee not to exceed seven hundred fifty dollars plus  
18 nine cents per animal unit, based on the CAFO's permitted capacity.

19 (II) Individual permit: The division shall assess a CAFO an annual  
20 permit fee not to exceed five hundred dollars plus eight cents per animal  
21 unit, based on the CAFO's permitted capacity; except that, from July 1,  
22 2009, through June 30, ~~2018~~ 2025, the division shall assess a CAFO an  
23 annual permit fee not to exceed one thousand five hundred dollars plus  
24 nine cents per animal unit, based on the CAFO's permitted capacity.

25 (III) (A) Effective July 1, 2009, through June 30, ~~2018~~ 2025, the

1 division shall assess an unpermitted CAFO an annual administrative fee,  
2 not to exceed six cents per animal unit based upon the CAFO's registered  
3 capacity, to cover the direct and indirect costs associated with the  
4 environmental agriculture program, including inspections, compliance  
5 assurance, compliance assistance, and associated regulatory interpretation  
6 and review.

7 (B) This ~~subparagraph (H)~~ SUBSECTION (1.1)(a)(III) is repealed,  
8 effective July 1, ~~2018~~ 2025.

9 (IV) (A) Except as otherwise provided in this ~~subparagraph (IV)~~  
10 SUBSECTION (1.1)(a)(IV), the division shall assess on each housed  
11 commercial swine feeding operation an annual permit fee, not to exceed  
12 twenty cents per animal, based on the operation's working capacity, to  
13 offset the direct and indirect costs of the program created in section  
14 25-8-501.1.

15 (B) From July 1, 2009, through June 30, ~~2018~~ 2025, the division  
16 shall assess on each housed commercial swine feeding operation an  
17 annual permit fee, ~~that shall~~ not TO exceed twenty-six cents per animal,  
18 based on the operation's working capacity, to offset the direct and indirect  
19 costs of the program created in section 25-8-501.1. This  
20 ~~sub-subparagraph (B)~~ SUBSECTION (1.1)(a)(IV)(B) is repealed, effective  
21 July 1, ~~2018~~ 2025.

22 (C) As used in this ~~subparagraph (IV)~~ SUBSECTION (1.1)(a)(IV),  
23 "working capacity" means the number of swine the housed commercial  
24 swine feeding operation is capable of housing at any one time.

25 **SECTION 2. Appropriation - adjustments to 2018 long bill. To**  
26 **implement this act, the cash funds appropriation from the animal feeding**  
27 **operations fund created in section 25-8-502 (1.6), C.R.S., made in the**

1 annual general appropriation act for the 2018-19 state fiscal year to the  
2 department of public health and environment for use by the division of  
3 environmental health and sustainability for the animal feeding operations  
4 program is increased by \$14,323.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.